

# Late apologies lead to a sorry state of affairs

Bronwyn Bishop took three weeks to apologise for chartering a helicopter at taxpayers' expense.

It was too little, too late. By then, her political career was all but over.

But could it have been saved if she had apologised earlier?

In a world where people are empowered by social media, frenzied demands for an apology can be whipped up easily and escalate quickly. Yet, for some individuals, and brands, "sorry" is still the hardest word to say.

So, what are the consequences of apologising, or not?

Riley Mathewson Public Relations senior consultant Clint Ford told *M&M* this week an apology acted as a circuit-breaker — the foundation from which a brand could move forward. The way an individual or brand responded to bad headlines could directly determine how a situation played out.

"What people want to hear is an acknowledgement of the situation, not just lip service," Mr Ford said.

"They want an unequivocal apology, something that expresses empathy with someone who has been affected.

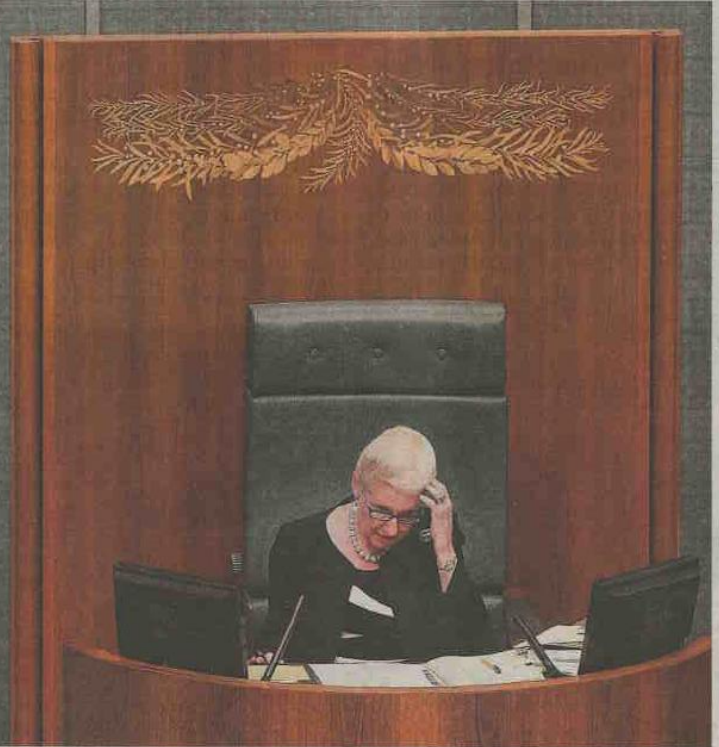
"If it is done genuinely a lot of people can forgive and forget. It can be a way of winning the peace in an issue and it can actually take your brand to an area of increased trust (with consumers) because you've demonstrated that you understand and that you're human."

In 2011, an email exchange between Melbourne boutique GASP Clothing and bride-to-be Keara O'Neil went viral after she complained that a sales assistant made nasty comments about her plus-size body and called her "a joke".

When she complained, not only did GASP not apologise but the company defended the sales assistant. The story moved from social to mainstream media but

## NOTES ON A SCANDAL

- Apologise or express regret as soon as possible, to act as a circuit-breaker and help rebuild your trust with the public.
- Don't say, "we're sorry, but..." An apology has to be unequivocal and express empathy with those affected.
- If it takes a long time to release an apology, it will look insincere.
- Work with your lawyers and public relations teams quickly to frame the best form of words.
- An apology is not an admission of guilt and would not necessarily be seen that way in a court of law.
- Prove to the consumer a lesson has been learned and outline in any apology what action will be taken to stop it happening again.
- A crisis is also an opportunity and responding effectively can actually advance your brand's reputation with the consumer.



GASP still refused to say sorry. When it finally did — three months later — the media labelled it disingenuous, partly because it included an announcement that sales figures were up 12 per cent.

Mr Ford said it was crucial apologies were issued quickly.

"You can't be seen to be forced into an apology," he said.

"You see it with sports stars all the time — you hardly ever see anything resembling an effective apology.

"It's nearly always done when it's made clear that the mood of the public is demanding it. Then it's too late and it's not genuine."

Mr Ford said many brands dig in rather than apologise because they fear the legal ramifications of acknowledging fault.

But Kevin Stewart, head of litigation and dispute partner at law firm Minter Ellison, said an



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apology was often an effective way to minimise legal, commercial and PR risks.

He said while an apology "may or may not convey some sense of accepting responsibility", a company could also express "regret" if the circumstances were unforeseeable and beyond its control. But issuing an apology could also help a company avoid legal action.

"The literature demonstrates statistically that fewer legal claims are initiated when apologies have been offered and, where claims have been initiated, significantly more settlements are achieved when accompanied by an apology than not," he said.

Like most States, WA also has a "Sorry Law" (a section of the Civil Liability Act of 2002) that enshrines the principle of a "protected apology". Mr Stewart said that meant an apology or expression of regret did not constitute "either an express or implied admission of liability", nor did it determine fault.

Mr Ford said it was important for PR teams to work closely with lawyers to decide the best form of words for an apology.

"Hopefully you've got it set up so you can go through that process very quickly," he said.